

Remarks

Claims 1 to 13 are pending in this application. Claim 1, 2, 4 and 10 have been amended. Claims 12 and 13 have been added. Claims 1, 2, 10 and 13 are in independent format.

In paragraph 1, claims 2, 3 and 9 were objected to for informalities regarding recitations of a first and a second switching state.

In particular, the Office objected to the recitation to a first and a second switching state in lines 42-43 and 70 of claim 2 and suggested to clarify that these recitations refer back to the switching states recited in line 17 of the claim.

Applicant notes that the switching states referred to in lines 17 and 42-43 are the switching states of the first and second controllable directional valves, while the switching state referred to in lines 70 is the switching state of the third directional valve.

Taking these relationships into account, applicant has amended the claims closely following the Office's suggestion.

In paragraphs 2 and 3, the Office rejected claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the view was expressed that it was unclear whether the "first and second pressurized supply vessels" recited in the last line of the claim are intended be the same or different from the "pressurized medium supply vessel means" recited in line 6 of claim 1.

In response, applicant has amended claim 4 to clarify that the recited first and second pressurized supply vessels are specific embodiments of the pressurized medium supply vessel means.

In paragraphs 4 and 5, the Office rejected claims 1, 4 to 7, 10 and 11 under 35 U.S.C. §102(b) as being anticipated by United States Patent 4,858,895 to Buma et al (hereinafter "Buma").

In paragraphs 6 and 7, the Office rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Buma in view of United States Patent 4,015,859 to Hegel et al (hereinafter "Hegel").

Applicant has amended claim 1 to introduce language from allowed claim 2. In particular, applicant has introduced the concept of the a third controllable directional valve:

"a third controllable directional valve interposed between said first controllable directional valve and said pressurized medium spaces" (emphasis added)

Method claim 10 has been amended accordingly. Claim 1 was also amended to correct minor informalities.

Such a third controllable directional valve (56a) is shown in FIG. 2 of the present disclosure. This valve (56a) allows for a relatively simple construction of the control system and has, as can be seen from FIG. 2, among others, an advantageously simple configuration and is space-efficient (see also page 2, line 22 to 25 of the disclosure). Applicant submits that such a third directional valve is not taught or suggested by Buma, thus further negating anticipation of claim 1 by Buma. In addition, applicant submits that following the teachings of Buma, the person skilled in the art would have chosen separate directional

valves for each medium supply vessel which would respectively branch off pressurized air lines 1 and 4 (see FIGS. 1 and 2 of the present disclosure). However, such a configuration would render the resulting level control system expensive and complex. In contrast, the claimed level control system is neither due to its simple configuration and space efficiency.

Applicant also notes that the claimed configuration allows both pressurized medium spaces to serve as high-pressure and as low-pressure storage spaces for the pressurized medium. As a result and in contrast to Buma, both pressurized medium spaces may be used both as high-pressure or low-pressure storage spaces. Furthermore, it is also possible that one of pressurized medium spaces serves as a high-pressure and the other as a low-pressure storage space and vice versa. The function of the pressurized medium spaces as low and high pressure medium spaces can, depending on the demands on the system, change constantly. As a result, it is not necessary to strictly allocate one of the pressurized medium spaces based on the pneumatic control to a certain pressure level. Only the control device needs to know the actual pressure of the respective pressurized medium space in order to activate the respective switching state during a level control process.

The fact that both medium spaces can serve as high-pressure medium spaces is also reflected in new claim 12. Support for the language of claim 12 can be found, for example, on page 14, lines 5 to 30; page 15, line 20, to page 16, line 2.

In paragraph 9 of the Office Action, the Office notes that applicant had argued that at no time both medium spaces can be

simultaneously connected to the compressor. However, the view was expressed that this argument is more specific than the claim language. Applicant refers to his argument in the response of February 7, 2005 and the context in which this statement was made.

Nonetheless, applicant has introduced new claim 13 which closely follows original claim 1, but, responsive to the Office, introduces the following language:

"wherein said first and second medium supply vessels are connected to said compressor only in the alternative."

Support for this language can be found, for example, on page 10, line 15 to page 11, line 6, of the present disclosure.

Applicant submits that this language further clarifies that Buma does not disclose all elements of the claimed invention as required for a rejection under 35 U.S.C. §102(b).

In paragraph 8, the Office considered claims 2, 3 and 9 allowable if rewritten to overcome the objections set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 2 to overcome the Office's objections. Claim 2 should therefore be allowable. Claims 3 and 9 are dependent from claim 2 and have not been independently objected to so that these claims should also be in condition for allowance.

Applicant has also shown above that Buma does not disclose all elements of claims 1, 10 and 13 as required for an anticipation rejection. These claims should therefore be in condition for allowance. Claims 4 to 8 and 11 to 12 which are

directly or indirectly dependent from one of the claims 1 and 10
should also be allowable.

In view of the above, reconsideration of this application is
respectfully requested.

Respectfully submitted,



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